

#23707.1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30013-MAP

Christine Ruark,

Plaintiff

v.

Liberty Life Assurance Company of Boston  
and Massachusetts Mutual Life  
Insurance Company,

Defendants

LOCAL RULE 16.1 STATEMENT CONTAINING PROPOSED

PRE-TRIAL SCHEDULE PURSUANT TO NOTICE OF

SCHEDULING CONFERENCE

In compliance with United States District Court for the District of Massachusetts Local Rule 16.1(B), counsel for the plaintiff, Christine Ruark, and counsel for defendants, Liberty Life Assurance Company of Boston and Massachusetts Mutual Life Insurance Company, conferred for the purposes of preparing an agenda of matters to be discussed at the scheduling conference; preparing a proposed pretrial schedule, including a discovery plan; and considering the option of trying this case before a Magistrate Judge. The parties have been unable to agree upon a joint statement under Local Rule 16.1 and are thus each filing a separate statement.

Pursuant to Local Rule 16.1 (B) (3), the parties have discussed proceeding before a Magistrate Judge but have not agreed to do so.

In addition, pursuant to Local Rule 16 (C), the plaintiff served a written settlement proposal upon counsel for the defendants.

Local Rule 16.1 (D) Proposed Pretrial Schedule

1. Discovery Plan – Local Rule 16.1 (D) (1).

The parties propose a discovery plan that provides that both parties will first propound written discovery requests pursuant to Fed.R.Civ.P.33 and 34 to the respective opposing party or parties. Initial interrogatories and document requests shall be served no later than August 5, 2004. Subsequent interrogatories and document requests shall be served no later than November 5, 2004.

The plaintiff shall designate any and all expert witnesses she anticipates calling at trial of this matter on or before August 5, 2004, and shall make available to the defendants on the same date the written report of each such expert. The defendants shall designate any and all expert witnesses they anticipate calling at trial on or before October 5, 2004, and shall make available to the plaintiff on the same date the written report of each such expert.

All non-expert and expert depositions shall be completed by March 7, 2005.

2. Motions Scheduling – Local Rule 16.1 (D)(2).

The parties agree that any Motions pursuant to Rules 12, 15, 19, and 20 be filed and heard by July 5, 2004.


The parties shall file any and all motions under Fed.R.Civ.P. 56 or other dispositive motions, on or before April 5, 2005.

3. Local Rule 16.1 (D) (3) Certification

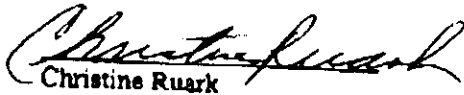
Pursuant to Local Rule 16.1 (D) (3), the plaintiff and her counsel hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course –

and various alternative courses - of this litigation and, in addition, have considered the resolution of this litigation through the use of alternative dispute resolution programs.

THE PLAINTIFF, Christine Ruark

By:   
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Dated: April 28, 2004

  
Christine Ruark

CERTIFICATE OF SERVICE

I, Robert L. Dambrov, Esquire, of Cooley, Shrair P.C., attorney for the plaintiff, Christine Ruark, in the above entitled matter, hereby certify that on the 28th day of April, 2004, I served the within Local Rule 16.1 Statement Containing Proposed Pre-Trial Schedule Pursuant To Notice Of Scheduling Conference by mailing by first class mail, postage prepaid, a copy to:

Richard W. Paterniti, Esquire, Jackson Lewis LLP, 75 Park Plaza, Boston, MA 02116

  
ROBERT L. DAMBROV, ESQ.